

**Amendment No. 2 to SB2167**

**Haynes  
Signature of Sponsor**

**AMEND Senate Bill No. 2167**

**House Bill No. 2137\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-102, is amended by deleting subsections (c), (d) and (e).

SECTION 2. Tennessee Code Annotated, Section 49-13-104(3), is amended by deleting the punctuation ";" at the end of the subdivision and by substituting instead the punctuation "." and by adding the following language at the end of the subdivision:

The membership of a charter school's governing body shall include at least one  
(1) parent representative whose child is currently enrolled in the charter school.  
Such parent representative shall be appointed by the governing body within six  
(6) months of the school's opening date;

SECTION 3. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to provide quality educational  
options for students. The prospective student population will be:

(1) Students who, in the previous school year, failed to meet  
proficiency standards as established by the state's accountability system  
and outlined in the federal Elementary and Secondary Education Act;

(2) Students who are eligible for special education services, per  
federal guidelines; or

(3) Students who are eligible for ELL or ESL services, per state  
guidelines.

SECTION 4. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is  
amended by deleting the language "November 15" and by substituting instead the  
language "July 1".

SECTION 5. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(C) Prior to 2008, at which time the General Assembly is scheduled to validate the effectiveness of charter schools for the purpose of re-enactment or extension of the charter school statute, the total number of charter schools shall not exceed twenty-five (25). However, the number of charter schools chartered by any LEA shall not exceed fifteen (15).

SECTION 6. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by deleting the words "without penalty" at the end of the second sentence, and by adding the following sentence at the end of the subdivision.

An LEA's decision whether to convert an eligible public school may not be appealed to the state board of education.

SECTION 7. Tennessee Code Annotated, Section 49-13-107, is amended by deleting the language "November 15" and substituting instead the language "July 1", by designating the existing language as subsection (a), and by adding the following language as new subsection (b):

(b) Upon approval of its application and at its discretion, the newly-approved charter school may elect to defer opening by one (1) school year if it determines the additional time is needed for planning, implementation, and/or organization.

SECTION 8. Tennessee Code Annotated, Section 49-13-108(1), is further amended by deleting the language "sixty (60) days" and by substituting instead the language "seventy-five (75) days" and by deleting the language "sixty (60) day time limit" and by substituting instead the language "seventy-five (75) day time limit".

SECTION 9. Tennessee Code Annotated, Section 49-13-108(2), is further amended by deleting the word "The" at the beginning of the second sentence and by substituting instead the language "Within fifteen (15) days of denial, the".

SECTION 10. Tennessee Code Annotated, Section 49-13-111(a), is amended by adding the following as a new, appropriately designated subdivision:

( ) Prepare and distribute to parents at the beginning of the school year, a student handbook which includes, but is not limited to, names and contact information for the school's governing board members; meeting dates, times, and locations of the governing board meetings; the schools' discipline procedures; and the school's grievance procedures.

SECTION 11. Tennessee Code Annotated, Section 49-13-111, is amended by adding the following as new, appropriately designated subsections:

( ) A public charter school shall be solely responsible for its financial obligations. Financial obligations of a charter school shall not constitute debt or financial obligations of the chartering authority unless the chartering authority expressly assumes such obligations in writing.

( ) A public charter school shall be responsible for its own operation including, but not limited to, budget preparation and amendment, contracting for services, curriculum preparation, amendment, and implementation, and personnel matters.

SECTION 12. Tennessee Code Annotated, Section 49-13-113(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Subject to the requirements of subsections (a) and (b) preference shall be afforded to the siblings of a pupil who is already enrolled in the school.

Preference also may be afforded to the children of a teacher, sponsor or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less.

SECTION 13. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the language "November 15" and by substituting instead the language "July 1".

SECTION 14. Tennessee Code Annotated, Section 49-13-124, is amended by deleting the last sentence of the section in its entirety and by substituting instead the following:

A public charter school may conduct activities necessary and appropriate to carry out its responsibilities such as:

- (1) Contract for services, except for the management or operation of the charter school by a for-profit entity;
- (2) Apply for qualified zone academy bonds pursuant to state and federal law;
- (3) Buy, sell or lease property;
- (4) Borrow funds as needed; and
- (5) Pledge its assets as security; provided, however, that those assets are not leased or loaned by the state or local government.

SECTION 15. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following language as new sections to be designated as follows:

§ 49-13-128. The department of education is encouraged to develop guidelines for the ongoing training of public charter school principals. The training guidelines, if promulgated, shall address the issues of budget and finance oversight, legal issues, and leadership training. The LEAs shall utilize the department's guidelines in providing professional development programs and opportunities, and shall provide charter school principals access to the district's professional development programs.

§ 49-13-129. A public charter school may contract with and enter into a collaborative agreement with the LEA to which it applied under § 49-13-107 to operate a pre-kindergarten program established under the provisions of title 49, chapter 6, part 1.

SECTION 16. Sections 5 and 7 of this act shall take effect January 1, 2006, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming law, the public welfare requiring it.